

## § 101-49.203

such time as these items are no longer required, they will be reported to the General Services Administration, Property Management Division (FBP), Washington, DC 20406, and will be identified as foreign gift items and cross-referenced to the original excess report number.”

[44 FR 53750, Sept. 17, 1979, as amended at 48 FR 12090, Mar. 23, 1983; 50 FR 83, Jan. 2, 1985; 53 FR 12767, Apr. 19, 1988; 62 FR 28369, May 23, 1997]

### § 101-49.203 Costs incident to transfer.

All transfers of gifts and decorations will be made without reimbursement, except that direct costs incurred by the employing agency in actual packing, preparation for shipment, loading, and transportation may be recovered by the employing agency from the transferee agency if billed by the employing agency. (See § 101-43.310-1.)

[62 FR 28369, May 23, 1997]

### § 101-49.204 Gifts and decorations no longer required by the transferee agency.

Gifts and decorations no longer required by the transferee agency shall be reported to the General Services Administration as provided in § 101-49.201-1 and shall include the transfer order number from the original transfer order or a copy of that order.

[53 FR 12768, Apr. 19, 1988]

### § 101-49.205 Deposit of money and certain intangible gifts with the Department of the Treasury.

Money, cash, currency, and such intangible gifts as checks, money orders, bonds, shares of stock, and other securities and negotiable instruments not required to be reported to GSA shall be deposited with the Department of the Treasury by the employing agency in accordance with applicable laws and regulations.

## Subpart 101-49.3—Donation of Foreign Gifts and Decorations

### § 101-49.300 Scope of subpart.

This subpart prescribes policies and procedures governing the donation of foreign gifts and decorations to public agencies and eligible nonprofit tax-ex-

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empt activities for public display or other approved purposes.

[50 FR 83, Jan. 2, 1985]

### § 101-49.301 Donation of gifts and decorations.

(a) Gifts and decorations not required for Federal use or sold to recipients will be made available at the discretion of GSA through State agencies to appropriate public agencies and eligible nonprofit tax-exempt activities for a period of 21 calendar days following the period of Federal utilization screening as provided in § 101-49.202(a).

(b) Donations of gifts and decorations will be made for public display or such other approved purposes as determined by GSA. Donations will be made in accordance with part 101-44, except as otherwise provided in this subpart 101-49.3.

[44 FR 53750, Sept. 17, 1979, as amended at 50 FR 83, Jan. 2, 1985; 53 FR 12768, Apr. 19, 1988]

### § 101-49.302 Requests by public agencies and nonprofit tax-exempt activities.

(a) All transfers of gifts and decorations to the State agencies for donation to public agencies and eligible nonprofit tax-exempt activities shall be accomplished by use of SF 123, Transfer Order Surplus Personal Property (see § 101-44.4901-123). The SF 123, with any additional required documentation, shall be submitted for approval to the General Services Administration, Property Management Division (FBP), Washington, DC 20406. The SF 123 shall be prepared in accordance with the instructions in § 101-44.4901-123-1 and shall be conspicuously marked “FOREIGN GIFTS AND/OR DECORATIONS.”

(b) Each SF 123 submitted to GSA for donation of foreign gifts and decorations shall be accompanied by an original and two copies of a letter of intent, signed and dated by the authorized representative of the proposed donee, setting forth a detailed plan of utilization for the property. The letter of intent shall provide the following information:

(1) Identification of the applicant, including its legal name and complete address, its status as a public agency or as an eligible nonprofit tax-exempt

activity, and the name, title, and telephone number of its authorized representative;

(2) Description of the gift or decoration requested, including its estimated or appraised value; and

(3) Details on the planned utilization of the gift or decoration, including where and how it will be used and how it will be safeguarded.

[50 FR 83, Jan. 2, 1985, as amended at 53 FR 12768, Apr. 19, 1988]

#### **§ 101-49.303 Allocation.**

Allocation of gifts and decorations among the States will be made at the discretion of the Administrator of General Services. The employee recipient may recommend that a gift or decoration be allocated for donation through the State agency to a specific donee. A statement of this recommendation shall be entered on the SF 120, Report of Excess Personal Property, by the reporting agency. The request must be supported by a letter from the recipient outlining any special significance of the gift or decoration to the proposed donee. The mailing address and telephone number of both the recipient and the proposed donee shall also be included in the letter. Such requests will receive consideration if it is determined that the item is to be donated.

[48 FR 12090, Mar. 23, 1983; 48 FR 27404, June 15, 1983]

#### **§ 101-49.304 Conditions of donation.**

Donation of gifts and decorations shall be accomplished by the use of a State agency distribution document (see § 101-44.208) which shall contain or incorporate by reference the following special handling conditions and use limitations imposed by GSA on the donation of gifts and decorations:

(a) The donee shall display or use the gift or decoration in accordance with its letter of intent, as may be modified to meet GSA requirements.

(b) There shall be a period of restriction which will expire after the gift or decoration has been used for the purpose stated in the letter of intent for a period of 10 years, except that GSA may restrict the use of the gift or decoration for such period as may be prescribed by GSA when the inherent

character of the property justifies such action.

(c) The donee shall allow the right of access to the donee's premises at reasonable times for inspection of the gift or decoration by duly authorized representatives of the State agency or the U.S. Government.

(d) During the period of restriction, the donee shall not sell, trade, lease, lend, bail, encumber, cannibalize or dismantle for parts, or otherwise dispose of the property; or remove it permanently for use outside the State; or transfer title to the gift or decoration directly or indirectly; or do or allow anything to be done that would contribute to the gift or decoration being seized, taken into execution, attached, lost, stolen, damaged, or destroyed.

(e) If, at any time during the period of restriction, the gift or decoration is no longer suitable, usable, or needed by the donee for the purpose stated in the letter of intent, the donee shall promptly notify the General Services Administration, Property Management Division (FBP), Washington, DC 20406, through the State agency, and upon demand by GSA, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall comply with transfer or disposition instructions furnished by GSA through the State agency, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by GSA.

(f) The donee shall comply with all additional conditions covering the handling and use of any gift or decoration imposed by GSA.

(g) Upon the donee's failure to comply with any applicable condition or limitation during the period of restriction, the State agency may demand return of the gift or decoration and, upon demand, title and right to possession of the gift or decoration shall revert to the U.S. Government. In this event, the donee shall return the gift or decoration in accordance with instructions furnished by the State agency, with costs of transportation, handling, and reasonable insurance during transportation to be paid by the donee or as directed by the State agency. If the gift or decoration is lost, stolen, or cannot